

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1536 be amended to read as follows:

1           Page 5, between lines 29 and 30, begin a new paragraph and insert:  
2           "SECTION 4. IC 22-3-3-8 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. With respect to  
4           injuries occurring prior to April 1, 1951, causing temporary total  
5           disability for work there shall be paid to the injured employee during  
6           such total disability for work a weekly compensation equal to fifty-five  
7           percent (55%) of ~~his~~ **the injured employee's** average weekly wages for  
8           a period not to exceed five hundred (500) weeks. With respect to  
9           injuries occurring on and after April 1, 1951, and prior to July 1, 1971,  
10          causing temporary total disability for work there shall be paid to the  
11          injured employee during such total disability a weekly compensation  
12          equal to sixty per cent (60%) of ~~his~~ **the injured employee's** average  
13          weekly wages for a period not to exceed five hundred (500) weeks.  
14          With respect to injuries occurring on and after July 1, 1971, and prior  
15          to July 1, 1974, causing temporary total disability for work there shall  
16          be paid to the injured employee during such total disability a weekly  
17          compensation equal to sixty per cent (60%) of ~~his~~ **the injured**  
18          **employee's** average weekly wages, as defined in IC 22-3-3-22 a period  
19          not to exceed five hundred (500) weeks. With respect to injuries  
20          occurring on and after July 1, 1974, and before July 1, 1976, causing  
21          temporary total disability or total permanent disability for work there  
22          shall be paid to the injured employee during such total disability a  
23          weekly compensation equal to sixty-six and two-thirds percent (66  
24          2/3%) of ~~his~~ **the injured employee's** average weekly wages up to one

hundred and thirty-five dollars (\$135.00) average weekly wages, as defined in section 22 of this chapter, for a period not to exceed five hundred (500) weeks. With respect to injuries occurring on and after July 1, 1976, causing temporary total disability or total permanent disability for work, there shall be paid to the injured employee during the total disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of ~~his~~ **the injured employee's** average weekly wages, as defined in IC 22-3-3-22, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. **Compensation paid under this section shall be adjusted as required under section 10.5 of this chapter.**

SECTION 5. IC 22-3-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. With respect to injuries occurring prior to April 1, 1951, causing temporary partial disability for work, compensation shall be paid to the injured employee during such disability, as prescribed in section 7 of this chapter, a weekly compensation equal to fifty-five per cent (55%) of the difference between ~~his~~ **the injured employee's** average weekly wages and the weekly wages at which ~~he~~ **the injured employee** is actually employed after the injury, for a period not to exceed three hundred (300) weeks. With respect to injuries occurring on and after April 1, 1951, and prior to July 1, 1974, causing temporary partial disability for work, compensation shall be paid to the injured employee during such disability, as prescribed in section 7 of this chapter, a weekly compensation equal to sixty per cent (60%) of the difference between ~~his~~ **the injured employee's** average weekly wages and the weekly wages at which ~~he~~ **the injured employee** is actually employed after the injury, for a period not to exceed three hundred (300) weeks. With respect to injuries occurring on and after July 1, 1974, causing temporary partial disability for work, compensation shall be paid to the injured employee during such disability as prescribed in section 7 of this chapter, a weekly compensation equal to sixty-six and two-thirds per cent (66 2/3%) of the difference between ~~his~~ **the injured employee's** average weekly wages and the weekly wages at which ~~he~~ **the injured employee** is actually employed after the injury, for a period not to exceed three hundred (300) weeks. In case the partial disability begins after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability. **Compensation paid under this section shall be adjusted as required under section 10.5 of this chapter."**

Page 10, line 12, after "schedule" insert ", **adjusted as required under section 10.5 of this chapter,**".

Page 15, between lines 4 and 5, begin a new paragraph and insert: "SECTION 7. IC 22-3-3-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10.5. (a) As used in this section,**

"consumer price index" refers to the consumer price index-urban families (CPI-U) prepared by the United States Bureau of Labor Statistics.

(b) Compensation for temporary total disability, temporary partial disability, permanent partial impairment, and permanent total disability payable after June 30, 2005, to an employee whose injuries occurred before July 1, 2005, or to the surviving dependents of an employee whose injuries occurred before July 1, 2005, is the sum determined in STEP THREE of the following formula:

**STEP ONE: Divide:**

(A) the consumer price index for fiscal year 2004; by

(B) the consumer price index for fiscal year 2001.

**STEP TWO: Multiply the quotient determined in STEP ONE by the amount of the June 2005 payment made to the employee or the employee's dependents.**

**STEP THREE: Add the product determined under STEP TWO to the amount of the June 2005 payment made to the employee or the employee's dependents."**

Page 26, line 1, after "(t)" insert "Except for the adjustment required under section 10.5 of this chapter,".

Page 26, line 1, delete "The" and insert "the".

Page 31, line 27, after "days." insert "Compensation paid under this subsection shall be adjusted as required under section 16.5 of this chapter."

Page 32, line 22, after "disability." insert "Compensation paid under this subsection shall be adjusted as required under section 16.5 of this chapter."

Page 35, line 20, after "schedule" insert ", adjusted as required under section 16.5 of this chapter,".

Page 42, between lines 39 and 40, begin a new paragraph and insert:  
"SECTION 15. IC 22-3-7-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 16.5. (a) As used in this section, "consumer price index" refers to the consumer price index-urban families (CPI-U) prepared by the United States Bureau of Labor Statistics.**

(b) Compensation for temporary total disability, temporary partial disability, permanent partial impairment, and permanent total disability payable after June 30, 2005, to an employee whose disablement occurred before July 1, 2005, or to the surviving dependents of an employee whose disablement occurred before July 1, 2005, is the sum determined in STEP THREE of the following formula:

**STEP ONE: Divide:**

(A) the consumer price index for fiscal year 2004; by

- 1           **(B) the consumer price index for fiscal year 2001.**  
2           **STEP TWO: Multiply the quotient determined in STEP ONE**  
3           **by the amount of the June 2005 payment made to the**  
4           **employee or the employee's dependents.**  
5           **STEP THREE: Add the product determined under STEP**  
6           **TWO to the amount of the June 2005 payment made to the**  
7           **employee or the employee's dependents."**  
8           Page 49, line 21, after "(t)" insert "**Except for the adjustment**  
9           **required under section 16.5 of this chapter,"**.  
10          Page 49, line 21, delete "The" and insert "the".  
11          Renummer all SECTIONS consecutively.  
            (Reference is to HB 1536 as printed February 25, 2005.)

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Representative Stilwell